App F IX 4

Previous References 1946 47 (ml)

File No 24-46

Serial Nos 56-58

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Three

Part B for

SUBJECT

Requisition of the property of Thimma-Nayappa in Kurubarajana Mohalla may be by the Mysore City Municipality

D 11149 & 49

The Chairman
City Municipal
Mysore

Draft that action may be taken to refund the sum of Rs 293 3-3 due to Mr Thimmanayappa

1609
h

999
Rem

petition addressed to Dewan by one Mr
Thimmaraya Setty, Thulasithota, 100 feet Road, Mysore city
stating that his house was unlawfully acquired
by the Mysore city Municipality in 1919, without
paying him any compensation and requesting
that justice be given out to him

Dewan's Note-

1) 'What is all this about'?

sent A R M
25/8

2) The petitioner refers to the orders
passed by the Dewan on 22-7-1919 No papers are
traceable

3) A memo calling for a report from the Superintendent,
City Municipal Council, Mysore, is sent via

4) The case of this individual may
be dealt with in the Law section
to which this will be transferred

Law section for
Rights

25/9

1609

5) As the protection Branch has stated that no papers re Thummarayapalem Tyrone are available in that Branch, a memo calling for a report is submitted

by Office

21/9

24/9/46

President M C-M
L4343 & 25.9.46
Calls for a report

From the Chairman, C & T Board, Mysore
B.L.C 96 | 46-47 dated 1-10-46

States that the properties of the Thummarayapalem were acquired by the C & T Board in the year 1916 and that a sum of Rs 300- was awarded as compensation and that as this was a disputed claim the case was referred to the District Judge, Mysore and that the party has been informed accordingly

It is seen from the file received from the Trust Board Office that a sum of Rs 300 in the year 1916 has already been awarded as compensation

Serial No

for the acquisition of Door Nos 777 and 778 in Chamaraja Road, Mysore belonging to Mr Thimmarayappa

2) In view of the circumstances of the claim, it is seen that the case was referred to the court in the year 1917

3) The Chairman has stated that the several references cited in the petition are not traceable

4) If approved, the petitioner will be informed that he may approach the Chairman, City Improvement Trust Board Mysore, regarding the payment of compensation

5) Refer para 1 supra

6) The brief report received from the Chairman of the City Improvement Trust Board is for perusal

7) This is a matter for settlement between the petitioner Mr Thimmarayappa and the Trust Board, Mysore City Improvement Trust Board. The matter is well nigh 30 years old

8) The petitioner will be endorsed to the effect that he should approach the Chairman, Mysore City Improvement Trust Board.

9) Refer para 1 supra for perusal & orders

10) A may be called Revenue 27/10/.

Minister for Edn & PH 30/X/

A

OFFICE OF THE DIRECTOR FOR EDUCATION & P H
Date 30 10 46
No 2765

NOTE—Contn Sheet

File No 2648/L 5/H385 of 194

General and Revenue Secretariat

Serial No

Please ask the Chairman to submit further report on obtaining necessary information from the Court

J.H. 11/11/46

The result of Sri Lakshmikantha Rao's visit to Dewan reported to Dewan

Dom 11/xi/

(1) Pl put up a draft letter to Secretary, M C & B

1/11/46

(1) A draft letter is submitted

(2) Approved 2/11/46

2/11

The Chairman, C & T Board, Mysore's letter dt 6-11-46 calls for the above information in petition given by Thimmarayappa, Tulasidas Road, Mysore, re favourable consideration of his representation by the Mysore City Municipal Council

(2) A draft reminder to the Chairman, C & T Board, Mysore, is submitted

Approved 12/11/46

6/12

& 586 dt 11-12-46

TYPING SECTION 4 NOV 1946 GEN & REV SEC

TYPING SECTION 11 DEC 46 GEN & REV SECT

WD 038 4—GPB—15 000—20 7 46

Serial No

From the Chairman, C & T Board, Mysore.
Rs 2-C-95/46-47 dt 9-12-46
states that the award amount of Rs 298-3-3 in respect of the properties acquired by the Trust Board belonging to Mr Thimmarayappa was credited to Judicial deposit, in the year 1917, that the amount has not been paid to any body and that it has lapsed to Government

2) During the year 1916, the Mysore C-9 T Board acquired Mr Thimmarayappa's properties, bearing Door Nos 777 and 778 in Krishnaraja Mohalla, Mysore

3) As the claim was disputed, the award amount of Rs 300 C or Rs 298-3-3) was deposited in the Court in the year 1917 it is reported that the same has not been paid to any party and that it has lapsed to Government.

4) The petitioner will be endorsed that he has to approach the Chairman, city Civil-Trust Board Mysore in the matter

5) References —

para 1- Dewans Thimulé
para 15) Mhs Iers' Thimulé

Forwarded
Revenue
18/12/46

17/12 25) How does it lapse?
What is the basis for that presumption?
Sd
19/12

NOTE—Contn Sheet

File No 4654 of 1946

General and Revenue Secretariat

Serial No

26) Under the provisions of the Civil Account Code Vol I, every deposit shall lapse to Government at the end of the third Account Year, if they remain unclaimed

1642 11/12

27) This is a judicial deposit in which is accordingly lapsed to Govt, as being unclaimed for a period more than three years. The prescribed one year period is from 19/12 new regn 20/12/46

28) Bank Commission may be received & paid to the party on proof that he is entitled to the amount? Are there such precedents? Should such do it or any other Authority?

Sd/- 24/12

29) The Comptroller may be consulted in the matter. U O No 134/46-7 dt 27/12/46

30) Forwarded with compliments to the Comptroller for the information in reply to his U O No 22/12 dated 28 ultimo.

Sd/- 27/12/46

Sd/- 31/12/46

PTROLL 35/1 dpl Date 31.12.46 MAR BANGALORE

WD 03814—GPB—15 000—20 7 46

Serial No

315/9/47

U.O.No.184/MAD dated 7-1-47

31) Returned with compliments.

32. Though the amount has lapsed to Government, it can be paid to the party on presentation of a voucher in the prescribed form provided the claim is verifiable. But in the present case, the claim cannot be verified since the connected records pertaining to the refund have all been destroyed after they became time-barred.

33. Under Article 11(f) of M C.A.C. Vol.I, it is for Government to admit the claim if the party produces independent evidence of a conclusive nature.

Comptroller
8/1/47

CV/7 To The Secretary to Govt
Revenue Dept

9/1/47

34) The Chairman, C B T Board, Mysore would be requested to investigate the claim and arrange for the refund of the amount which is kept under judicial deposit to the party, as a special case for orders

35) References para 1 - Dewan's Minute.

para 1st) Minute from the Minister for Education & Public Health

36) The Financial Dept has to be consulted

Revenue dept) 10/1/47

10/1/47

NOTI —Contn Sheet

4654
L

File No | of 194 | General and Revenue Secretariat

Serial No

37/ The amount may be refunded as a special case the Comptroller may be authorized to investigate the claim

Minister for Ed" & H. Affairs
through Hon'ble Sec

13/1/47
for 15/1/47

4857
16/1

38/ There is no use in referring the case again to the comptroller authorising him to investigate the claim and make payment if found due. His note of 7-1-1947 that since the records have been destroyed the claim cannot be verified is clear and unambiguous It now remains for government to see whether in view of any evidence of a fairly conclusive nature, the party is entitled to the payment. The letter dated 9-12-1946 from the Chairman City improvement Trust Board to the Revenue Secretary is clear that a sum of Rs 298-3-3 is due to the party.

39/ The party may be asked to draw this on a bill to which a copy of the G O sanctioning the payment may be attached or its no and date quoted in the body of the bill.

23/1/47

40) 20/1/47 21/1/47

25/1/47 25/1/47 25/1/47

OFFICE OF THE MINISTER FOR EDUCATION & P H
Date 23-1-47
No 4805

WD 03814—GPB—15 000—20 7 46

Serial No

41) A draft reply to the Chairman City Devpt. Trust Board, Mysore, is put up

~~This has to be~~

42) For perusal before issue Reply: Para 1 Supra. D Ewart Minute: Dewan 30/1/47

29/1/47

5515

1947

1/2/47 Dewan 31/1/47

Issued 31/1/47

The Chairman, City Board Mysore

11149 d 11-2-47

Directs that action may be taken to refund to him Rs 29 & 3-3 due to Mr Thimmaraya Rao

13

File No 194

Serial No.

DEWAN'S OFFICE
No 612/46
BEN & EGYPT 1609 27 AUG 1946 BRANCH

To

The Dewan,
to the Government of Mysore,
Bangalore MYSORE

Humble submission of -Thimmarayappa,
Thulasithota,
100 feet road, Mysore City

May it please your Honour,

The following orders are respectfully cited with an humble request that your Honour will please peruse same and help me to secure the fruit of the said orders, which unfortunately and to my sheer illuck remain uncomplied with by the concerned Officers.

1	Order by the then Dewan of Mysore	22 7 1919
2	The above order restraining demolishing of my house reached the President, City Municipal Council Mysore on	13 8 1919
3	Not giving any heed to the above orders, my house was demolished on.	19 9 1919
	Forcebly I was arrested and imprisoned - merely because I craved for saving my property in conformity with the orders of the then Dewan	
4	From Jail I tendered application to the then Maharaja Wadyer Bahadur	22 9 1919
5	His Highness Orders on my petition No 6292	9 12 19
6	-do- in order No 6482 asked for explanation —	I 3 1920
7.	His Highness order to construct house and give me all losses, from Govt No 13552 Order	23-24
8	His Highness (Late) directed me of this order on when I had the unique opportunity of respectfully submitting my loyal respects to Highness	II II 23
9	False case was foisted on me by Govt on	28 II 23
10	Judicial Judgement on my case on and sent to Chairman, City Municipal Council, but not to me	26 3 20
11	My appeals to Viceroy	25 2 22
12	Order from Private Secretary to His Excellency the Viceroy D O No 1283 G J dated Delhi on	4 2 1926
13	No 17/C M Cabinet Delegation Viceroy's house New Delhi sending my application to the Secretary Political Department for disposal	24 4 46
14	Order No 15/C M from Cabinet Delegation Viceroy's house, New Delhi by and for Lord Pethick-Lawrence to my application	

15 Order from Cabinet Delegation Viceroy's House,
No 17/C stating that my application
is forwarded to the Secretary Political Depart-
ment for disposal 24 4 1946

Despite all the above orders, my house which was unlawfully acquired by the Municipal authorities in 1919, without paying even a farithing to me by way of compensation award, is allowed to sprawl-over setting aside the above orders from the officers at the helm I am now in dark and not know what to do So, as an humble subject of His Highness, and as your Honour is at the helm of affairs to protect the interests of the poor public - and as my case is one deserving consideration pray for, graciously hearing my rightful claims and grant me JUSTICE which is always highest aim of your Honour , and secure my rights

I beg to be pardoned and solicit your kind orders

Date 24 8 46

I beg to remain,
Respected Sir,
Most obediently yours

S [illegible]

Thimmarayappa

PRO 16-11

Memo No/4348 dated 25-9-46

Immediate

Forwarded with compliments, to the President, City Municipal Council, Mysore for favour of report within five days with/recommended

Immediate Records

Office of the Superintendent of Land Records
Bangalore
27/5/46
Date

Office of the City Engineer
Bangalore
27 SEP 1946

Rec'd 3 Inst
28/9/46

24/9/46

for Revenue Secretary to Govt

Rev 24-46-57

No B_2.C-96/46-47/Encl Memo & file of records.

Office of the Chairman,
City Improvement Trust Board,

Mysore, dated 30th Septr. 1946

SECRETARIAT & REV BRANCH 2648 OCT 1946

FROM R RAMACHANDRA RAO BHOMBORE, Esq , B A ,
CHAIRMAN, CITY IMPROVEMENT TRUST BOARD,
MYSORE

To J B Mallaradhya, Esq , M.A ,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Rev Dept - BANGALORE

SIR,

Subject - Petition of Thimmarayappa re acquisition of his property in Krishnaraj Mohalla, Mysore

---

With reference to your Memo No L 4343 dated 25th September 1946 re. the above and calling for a report thereon, I have the honour to state as follows.-

It is seen from the available acquisition records enclosed herewith the petitioner's properties bearing Door Nos 777 & 778 in Chamaraja Road were acquired as per Award No 80/1916-17 dated 1-8-1916 and a sum of Rs 300/- was ordered towards compensation As the claim was disputed the amount of compensation was referred to District Judge under Section 30 of the Land Acquisition Act and Mr Thimmarayappa was thereby intimated with this office No 206 dated 26th January 1917

As regards several references cited in his petition, they are not traceable in this office As it is not known how the amount was disposed of in the Court, a reference will be made to the Court and further particulars furnished on receipt of reply

The Memo under advertance is retransmitted

I have the honour to be,
Sir,
Your most obedient servant,

R [illegible]
Chairman

HRS/3

T. C M Royan, Esq

REVN & REV SECRETARIAT
4385
6 DEC 1946
L S G BRANCH

No L 5565 dy 6-11-46

To

The Chairman, C & T Board

Mysore

Subj - petition of Thimmaraya Rao regarding acquisition of his property in Krishnaraja Mohalla, Mysore

Sir,

With reference to your letter No. B2-C 96/46-47 dated 1-10-46 on the above subject, I am directed to enquire whether a reply has since been received from the District Judge, Mysore, regarding the compensation amount deposited in the Court, on account of the

Properties of the petitioner acquired
by the Mysore S & T. Board and its
Your further report in the matter may be
kindly submitted to Govt very soon

Yours faithfully
for Revenue Secy

FIN & REV SECRETARIAT
4385
6 DEC 1946
L S G BRANCH

Rev Secy

OFFICE OF THE ADMINISTRATOR
FOR EDUCATION & P.E.
Date 3/12
No. 76-2

T C M Royan, Esq ,

Minister for Local Self Govt

in Mysore, Bangalore

Petitioner S Thimmarayappa,
Thulasi Thota road,, Mysore City

Subject - Regarding the forcible acquisition of petitioner's house and site in the City of Mysore by Govt and non disposal of his case since 1919

Respected Sir,

I beg respectfully to submit that my case is pending disposal since 1919

My appeals ever since to the Benign Government of His Highness - and the subsequent orders there on remain uncomplied with My appeals before the Honourable the Resident and His Excellency the Viceroy - and the subsequent orders thereon, remain uncomplied with In this way, although the Municipal ~~TR~~ Trust Board confisicated my valuable property forceably and never paid me any compensation, and although bona fide orders have been passed by all the highest authorities I am made to stagnate in this form - undergoing greatest difficulties

The Trust Board authorities inspected the spot and passed resolution on 28 5 17 that the house in question is to be allowed to be constructed But this is not given effect

The Municipality contrary to equity took forceable possession of my site by police help and I have also been forceably taken a Muchalika by the Magistrate on 12 8 35 In that year the Retired Devan Srimen Madhava Rao was the President

I gave application to late Highness to give Rs 30,000/- by way of compensation and also to give me a house ,and His late Highness forwarded that application to the then Trust Board Chairman for favourable disposal, but even this is kept aside On September 13th '46 I have given application to your Honour, but no response

Much injustice is done to me and I am made to suffer unbearable hardship by such a deforce measure taken by the Trust Board Unless your Honour hear my representations fully in person, my fate

will be [illegible]d and it is already very much hampered [illegible]re[illegible]e. I humbly request that your Honour will not allow a poor subject of His Highness during your regime to be ruined for no fault of his - and for the high-handedness of certain authorities

I hopefully expect redress from you and I also believe that my intimidated inference to approach the British Authorities once again will not occur, by your timely interference and granting my humble representations, which I am prepared to explain in person, as it will not be possible to elicit all facts in an application

I now solicit your Honour's kind orders to above address

Yours most obediently,

[signature]

Mysore
2-12-46
--

No B_2 C-95/46-47

Office of the Chairman,
City Improvement Trust Board,

Mysore, dated 9th December *1946*

GEN & REV SECRETARIAT. 4654 12 DEC 1946 MYSORE L S G BRANCH

FROM R RAMACHANDRA RAO BHONBORE, Esq, B A,
CHAIRMAN, CITY IMPROVEMENT TRUST BOARD

To J H MALLARADHYA, Esq, M A,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
REVENUE DEPARTMENT, BANGALORE

SIR,

Subject - Petition of Thimmarayappa re acquisition of his property in Krishnaraja Mohalla, Mysore

---

Sir,

In continuation of this office letter of even No dated 13th November 1946 re the above, I have the honour to state that the District Judge in his No 2369/390 dated the 30th November 46 has stated that the award amount of R 298-3-3 sent from this office has been credited to Judicial Deposit no in R O 41/74 dated 30-1-1917 and that the amount has not been paid to anybody and is lapsed to Government

I have the honour to be,
Sir,
Your most obedient servant,

Chairman

This on a letter to which a copy

Print 11/2/47

L.D.586 dt 11/2/46

To

The Chairman C.S.T. Board
Mysore

Subj:- Petition of Sri Thimmaraya Shra regarding the acquisition of his property in Krishnaraja Mohalla, Mysore

-:-:-:-

In view of reference to this office letter No L.5576 dated 6-11-46 on the above subject I am directed to request that the particulars called for therein

C 1149 / Mk 24-46-50

To - Records 11/2-47

The Chairman,
City Improvement Trust Board
Mysore

Petition of Thimmaraya Patra regarding acquisition of his property in Kasthuraba Mohalla — Mysore

Sir,

With reference to your letter No B2 C-96-/46-47 dated 1-10-46 forwarding a report on the above subject I am directed to state that, in the circumstances reported, action may be taken, after due verification, to refund as special case, the sum of Rs 293-3-3, paid to the due to the party as compensation for ~~his lands~~ his properties acquired by the C I T Board, Mysore

~~The party~~ He may be asked to draw this on a bill to which a copy of